

COMMISSION MEETING MINUTES
May 13, 2003

The meeting of the Maryland Commission on Human Relations was called to order on Tuesday, May 13, 2003 at 10:05 a.m. in Baltimore, Maryland.

Present	Silvia Rodriguez, Thomas Owen, Charles Cresswell, Barbara Dezmon, Norman Gelman and Rufus Mc Kinney.
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Approval of the Minutes	Minutes for the March meeting were accepted as written.
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CHAIRPERSON'S REPORT	Commissioners received copies of the Chairperson's Report (See attached). Chairperson Rodriguez introduced and welcomed new Commissioner Charles Cresswell to the Commission. Commissioner Cresswell informed Commissioners that he lives in Baltimore County and is a Social Worker whose job gives him opportunity to deal with discrimination. Commissioner Cresswell stated that he hopes to do a good job and make a contribution to the Commission.
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Fair Housing Article	Chairperson Rodriguez informed Commissioners that she wrote an article that was published in the Maryland Association of Realtors magazine regarding Fair Housing. The article will be forwarded to all Commissioners.
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SUB-COMMITTEE REPORTS

Public Affairs Retreat	Commissioner Owen stated that there was a small turnout of Commissioners at the Retreat; however there was a good turnout of staff. Commissioner Owen thanked MCHR staff for their cooperation and support during the Retreat. The unit reports given during the Retreat were very enlightening. Commissioner Owen will summarize the suggestions and thoughts regarding the relationship between Commissioners and staff made during the Retreat for Commissioners next month.
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Commissioner Gelman suggested that a series of meetings be held with MCHR senior staff of the agency when the new Commissioners take office.

This would be an opportunity for newly appointed Commissioners and the present members to get to know one another and the senior staff.

Chairperson Rodriguez recommended that the September meeting begin at 9 a.m. and be followed by the Commissioner training. Chairperson Rodriguez recommended that the meeting and the training be held here at the agency.

Commission Complement Commissioner Mc Kinney inquired as to the complement of the Commission. Commissioner Mc Kinney wanted to know the status of sitting members' terms, expiration dates and the Governor's actions in filling the vacancies. Chairperson Rodriguez stated that MCHR should have nine Commissioners. Commissioners that will be appointed to complete unexpired terms or to serve a term will hopefully be appointed by the June meeting. Chairperson Rodriguez stated that we only know of one name, Attorney Hermina, in addition to Mr. Cresswell. We do not know the names of the other Commissioners. Commissioner Mc Kinney inquired as to what term Mr. Hermina would be filling. Chairperson Rodriguez stated that he would be completing the term of Commissioner Leatherbury.

Budget 2003 The Assistant Director stated that this year's budget would be closed out in forty-five days. MCHR does not anticipate any problems in closing out in the black, notwithstanding the report that is before The Commission this morning. This report does not reflect a federal fund grant for \$55,000.

Budget 2004 MCHR has not received anything definite regarding cuts to its budget for FY 2004. The actual general fund FY '2004 appropriation is \$2,622,681.00.

Chairperson Rodriguez inquired as to the rumor that all state agencies look for no less than a 10% cut to their budgets. Chairperson Rodriguez inquired as to where in the agency's budget would the 10% cut come from, if this rumor were true. The Assistant Director stated MCHR has not received anything regarding this matter. The Assistant Director stated that this would have to be considered.

Chairperson Rodriguez inquired as to whether there are any vacancies at the agency. The Assistant Director stated that there is a vacancy in the General Counsel's unit and in the Intake unit. MCHR attempted to get an exception to the hiring freeze to fill the Intake unit vacancy but was denied. The exception was granted to fill the vacancy in the General Counsel's unit.

Chairperson Rodriguez inquired if the vacancies were not filled would that take care of the 10% cut from the agency's budget. The Assistant Director stated that 10% of the agency's budget would be approximately \$250,000. It is undetermined whether the vacancies would take care of the entire cut if it were made.

Vice-Chair Owen inquired as to when the 10% cut would take place and when would the agency be informed. The Assistant Director stated that the Commission does not know when the cut would take place, or how much it

might be. The Commission has a new Department of Budget and Management Budget Analyst. The Commission has had a couple of conversations with the analyst, but the analyst has not indicated when this would happen.

Chairperson Rodriguez stated that if the agency does not fill the vacancies, does not replace equipment or buy new equipment would it still have to lay off personnel. The Assistant Director stated that the agency has not discussed this matter, but there are some options available. The 10% cut would be general fund cuts, and would probably have to come from personnel costs, depending on the percentage.

Chairperson Rodriguez inquired as to whether MCHR has a list prepared that would cover the 3%, 7%, or 10% cuts. Chairperson Rodriguez asked if the Assistant Director has any recommendations regarding the cuts to the agency's budget. The Assistant Director stated that the agency should look at everything other than personnel and whatever vacancies the agency now has should remain vacant.

Commissioner Mc Kinney asked, would not leaving a vacancy unfilled depend on the nature of the position. The Assistant Director stated yes although when the decision is made as to what positions are most valuable that it does not necessarily mean that the agency would be able to fill the position.

The Assistant Director informed Commissioners that he only makes recommendations. The Assistant Director does not make the decision. In the past agencies received directions from the Governor's office regarding how to handle the budget cuts.

Community Relations

Commissioners received copies of the Community Outreach and Education Unit's report and a memo regarding Advertising (See attached).

Chairperson Rodriguez complimented and thanked the Public Affairs Coordinator and unit staff on all the work in reference to the success of the Commission's 75th Anniversary celebration. Chairperson Rodriguez suggested that it might be a good idea to host a celebration every year or two during the legislative session.

Legislative

Commissioner Gelman suggested that the appropriate person, from the Governor's office, come in to talk to Commissioners regarding the Governor's approach to the issues within the purview of the Commission. This would enable Commissioners to be focused on the Governor's priorities and also have the opportunity to explore these in relationship to the priorities that the Commission may have.

Commissioner Mc Kinney inquired as to whether the rumor that there may be a special session to deal with budgetary matters is true. The Assistant Director stated that he knows only what he reads in the paper. Vice-Chair Owen stated he had not heard anything more.

EXECUTIVE DIRECTOR'S REPORT

Commissioners received copies of the Executive Director's Report (See attached). The Executive Director is attending the Annual EEOC/FEPA Directors' conference, along with the Supervisor of the Intake Unit, in Chicago.

Retreat The Deputy Director stated that on behalf of staff, MCHR would like to thank Commissioner Owen for all the work regarding the retreat.

EEOC Contract The Deputy Director informed Commissioners that the agency received notice from EEOC that the contract level is the same as it was last year. The EEOC contract is in the mail.

HUD Contract The Deputy Director informed Commissioners that the Annual HUD Conference was held two weeks ago. The Secretary of HUD attended and made statements that funding levels seen in the past be improved. MCHR does not know what this means in terms of MCHR's contract. MCHR has capitalized on partnership initiatives and partnership funds in the past. MCHR does not know whether or not those opportunities will be available this year. MCHR expects the same basic formula involving enforcement funds to be available.

DEPUTY DIRECTOR'S REPORT

Commissioners received copies of the Deputy Director's Report (See attached).

Personnel The Deputy Director informed Commissioners that MCHR has filled two federally funded contractual positions. One is assigned to the Mediation Program Director and the other is working in an Employment Investigative Unit. These are one-year contracts.

Case Processing Report Commissioners received copies of the Case Processing Report (See attached). The agency is substantially higher in monetary benefits this year. The agency is on target in the amount of work to be completed in regard to the two federal contracts.

Chairperson Rodriguez inquired as to the number of days in processing public accommodation cases. The Deputy Director stated that there are two investigators assigned to public accommodation cases. Depending upon what cases get closed during the month, if 5 – 10 newer cases get closed it's going to affect the days in processing less. The opposite would be true if 5 – 10 older cases get closed. Older cases have greater impact on the statistics. Thus, MCHR is striving to close older cases.

The Deputy Director informed Commissioners that starting in October 2003, HUD would pay agencies based on the amount of time it takes to complete a case. HUD's goal is to complete an investigation in 100 days. Some agencies seem to be very successful with that. MCHR is better than in the middle of that number. Cases have to be completed in 150 days, if a finding is written. If there is enforcement action involving legal the time of completion is greatly expanded. The agency's technical representative, the

person who works with MCHR and monitors for HUD, does have some discretion as to whether a case can be given a longer period of time and still receive a 100% funding. Absent this kind of discretion, the longer it takes to complete a case the less money the agency receives for the case. The traditional case completed now, if there is no probable cause or administrative closure, pays \$1,800. If a finding of probable cause is written an agency receives \$2,300. If the case has been in processing for 200 days you may only receive 55% of that figure. Pay for performance in terms of time in processing is a thing of the future.

MCHR issues the charge and requires that information be submitted much quicker in housing cases than employment cases. The guidelines are much stricter. MCHR is making a very concerted push to get more cases into mediation.

Systemic Employment and Housing Cases

Chairperson Rodriguez requested an explanation regarding the three systemic employment cases and one systemic housing case. The General Counsel stated that this is one mortgage lending case. This case is in conciliation and involves getting records to identify who the victims are. This would enable a realistic conciliation effort and a realistic number in terms of damages. There has been some difficulty in getting access to the additional documents to try to identify who the victims are. No cause findings were written on three of those cases.

Housing Testing Program

Commissioner Gelman inquired as to the status of the Housing Testing Program. The Deputy Director informed Commissioners that the first test will take place within the next sixty days. The Manager has been very successful in recruiting testers through MCHR's website. The first training session will be held the end of this month or June. MCHR is setting up potential sites. MCHR has budgeted mileage for the testers, and MCHR can send the testers anywhere.

GENERAL COUNSEL'S REPORT

Commissioners received copies of the General Counsel's Report (See attached). The General Counsel informed Commissioners that a non-monetary case, involving a condominium association, has been settled. This case involved accessible parking for persons with disabilities and the ability to have access in the common door. The pressure on the door was extremely high and difficult for persons using crutches or wheel chairs. The Respondent agreed to make adjustments to the door and to change parking to make it more accessible so that persons could have access.

The General Counsel also informed Commissioners that another case, involving a mobile home trailer park was settled. The Complainant had an agreement with the owner to purchase a trailer home; however, the owner had a restriction on that particular street for adults only. The Complainant had a child. Complainant lost the contract when they went to purchase the home and had to find housing elsewhere. Prior to trial a settlement was reached for \$11,250 in addition to policy changes in the trailer park area.

Chairperson Rodriguez inquired as to whether MCHR has received any

Legislative Session scheduling regarding the Governor's legislative packet. The General Counsel stated that MCHR has not received any indication as to the time line for submitting legislation. Usually agencies hear something around June or July.

Chairperson Rodriguez inquired as to whether MCHR will submit any legislation. The General Counsel stated that this matter should be addressed with Commissioners of the Legislative Committee. MCHR needs to explore what type of legislative proposal should be submitted and also talk to the Governor's office as suggested by Commissioner Gelman. MCHR also needs to inquire about who the agency's legislative liaison is.

Vice-Chair Owen stated that MCHR should also touch base with the legislators that MCHR knows. The General Counsel stated that MCHR has been in contact with some of the legislators. The General Counsel informed Commissioners that Delegate Adrienne Jones is still interested in pursuing the legislation that would expand protection under the hate crimes bill. Delegate Samuel Rosenberg also co-sponsored this bill. The source of income bill was being adjusted based on what the need was. This year's session was difficult because of new legislators who had to be educated and there were many issues to get through. Senator Delores Kelley will be looking at the remedies bill.

OLD BUSINESS

Commissioners received copies of a letter from Ebenezer United Methodist Church thanking Commissioners and staff for the donation in memory of Commissioner Ernest Leatherbury.

Appeal Cases

Chairperson Rodriguez inquired as to whether the three cases listed on the Appeal Case report are cases to be scheduled or processed. The Commissioners' Assistant stated that these cases have been heard. The decision needs to be signed by panel members.

NEW BUSINESS Executive Session

Chairperson Rodriguez called for an Executive Session to address personnel issues. The Deputy Director was asked to remain for the Executive Session. It was agreed during the Executive Session that Commissioners will review alternative suggestions presented by the Executive Director, and then give directives to the Executive Director in regard to budget cuts, if any.

Commission meeting adjourned at 11:45 a.m.

Barbara Wilson